

# HOUSE . . . . . No. 2195

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By Miss Reinstein of Revere, petition of Kathi-Anne Reinstein for legislation to require that ice cream trucks, so-called, be equipped with warning signals in such vehicles. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO THE REGULATION OF ICE CREAM TRUCKS AND ICE CREAM VENDORS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 7 of Chapter 90 of the General Laws, as appearing in  
2 the 1998 Official Edition, is hereby amended by adding at the end  
3 thereof the following:—

4 As used in this section, the following terms shall have the  
5 following meanings:—

6 “Ice cream truck or ice cream vehicle”, every motor vehicle in  
7 which ice cream, ice milk, frozen dairy products or ice that is fla-  
8 vored with syrup are carried for purposes of retail sale on the  
9 streets of the Commonwealth;

10 “Ice cream vendor”, a person offering ice cream, ice milk,  
11 frozen dairy products or ice that is flavored with syrup for sale  
12 from a motor vehicle on the streets of the Commonwealth.

13 In addition to other equipment required by law, every ice cream  
14 truck shall be equipped with:

15 (a) signal lamps, clearly visible to passing traffic. These signal  
16 lamps shall be at least four inches in diameter and shall display  
17 two alternately flashing orange lights on the front of the vehicle,  
18 and two on the back of the vehicle, having both lights on each  
19 side mounted at the same level;

20 (b) a “SLOW — FOR CHILDREN CROSSING” signal arm  
21 that can be extended horizontally from the left side of the vehicle.  
22 This arm shall be orange with white lettering and contain two

23 alternately flashing orange lights that are at least three inches in  
24 diameter and visible to the front and rear upon a straight roadway.

25 (c) a convex mirror mounted on the front of the vehicle so the  
26 driver in his normal seating position can see the area in front of  
27 the vehicle obscured by the hood.

28 (d) signs or decals on both the front and rear of the vehicle  
29 identifying the vehicle as an ice cream truck. The truck must also  
30 contain either the words "CHILDREN CROSSING," "WATCH  
31 CHILDREN," "CAUTION CHILDREN" or "SLOW FOR CHIL-  
32 DREN" on both the front and rear of the vehicle in distinctive let-  
33 tering visible at 300 feet upon a straight level roadway; and

34 (e) an outside passenger side mirror that provided visibility to  
35 the complete right side of the vehicle.

36 The driver of an ice cream truck stopped on the road for the  
37 purpose of vending shall actuate the special orange flashing lights  
38 and extend the "SLOW — FOR CHILDREN CROSSING" arm.

39 These lights and the "SLOW — FOR CHILDREN  
40 CROSSING" arm shall not be used when the truck is in motion  
41 nor at any time the truck is stopped for a purpose other than  
42 vending.

43 These lights and the "SLOW — FOR CHILDREN  
44 CROSSING" arm are not required to be flashing when the ice  
45 cream truck is parked and vending at a sporting or any other type  
46 of event, unless traffic is passing the ice cream truck and the  
47 truck's ordering window is on the opposite side of the sporting or  
48 other event. These lights will also not be required to be in use  
49 while the truck is parked and vending at a parade, fair, private  
50 property location, or at a specially permitted or approved sta-  
51 tionary location in which the vendor is there for more than 20  
52 minutes.

53 The driver of a vehicle approaching from either direction an ice  
54 cream truck stopped on the road, with its safety lights flashing,  
55 shall stop first, make sure it is safe to proceed, and then proceed  
56 with caution at a speed that is not in excess of 15 mph until that  
57 driver is at least 300 feet away from the ice cream truck. Further-  
58 more, drivers must yield that right of way to any pedestrian who  
59 crosses the roadway to or from the ice cream truck.

60 No person shall vend in residential neighborhoods before 10  
61 a.m. or after one half hour after sundown, not to exceed 10 p.m.  
62 during daylight savings time, except on a holiday or holiday cele-  
63 bration (i.e., 4th of July).

64 A person shall not vend on streets where the speed limit  
65 exceeds 30 miles per hour.

66 A person shall vend only when the ice cream truck is lawfully  
67 parked or stopped.

68 A person shall vend only from the curbside of the vehicle.

69 A person shall not vend to a person standing in the roadway on  
70 the driver side of the truck.

71 A person shall not stop on the left side of a one way street to  
72 vend.

73 The driver of an ice cream vehicle shall not back up to make or  
74 attempt to make a sale.

75 The driver of an ice cream vehicle shall not permit any unau-  
76 thorized person to ride in or on the vehicle. This includes any  
77 person who does not have a valid hawkers and peddlers permit in  
78 their name, excluding trainees and persons who are learning the  
79 ice cream business and safety procedures for possible employ-  
80 ment. Children under the age of 14 under no circumstances may  
81 ride in an ice cream truck, unless the vehicle has one seat belt per  
82 person, and the child is related to the driver.

83 Sounds of the ice cream vehicle shall be restricted to a tradi-  
84 tional bell and a traditional professional street vendor's musical  
85 chime box. Music that is considered "vocal" or music originating  
86 from a cassette, CD, or other format is prohibited.

87 The interior and exterior of each ice cream truck, and all equip-  
88 ment therein shall be kept clean and sanitary and maintained in  
89 good repair at all times.

90 Ice cream trucks must have a trash barrel to dispose litter gen-  
91 erated from products sold on the truck.

92 Every ice cream truck shall be inspected by the local health  
93 department once each year prior to its use in the city or town for  
94 the purpose of retail sales of frozen products. The department  
95 shall inspect each ice cream truck to determine whether it com-  
96 plies with all health and safety requirements of this ordinance and  
97 all city, state, and federal motor vehicle regulations. A fee of \$25  
98 shall be collected for this inspection.

99 Any ice cream truck driver or company that does not comply  
100 with the provisions of this section shall be punished with a fine of  
101 not less than \$1,000 and immediately be forced to cease its busi-  
102 ness until such safety equipment is installed and used on the  
103 vehicle. Likewise, any vendor caught vending without a peddlers  
104 license or health permit, if required at their locale, will receive the  
105 same such fine, per violation.